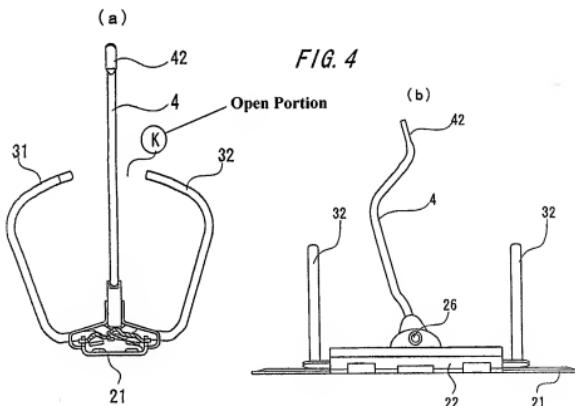


REMARKS/ARGUMENTS

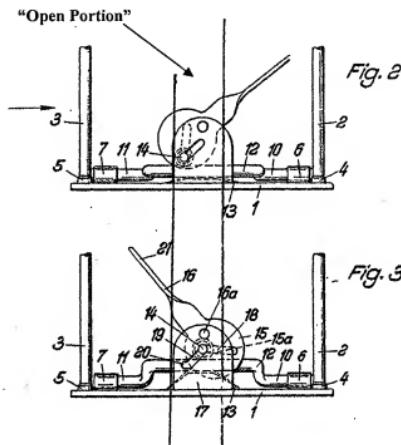
Claims 1, 2, and 5-15 are pending. Claims 5-11 and 13 were indicated to be patentable in subject matter. Claims 1, 2, 12, 14, and 15 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 2,789,561 to Bonn et al.

The Examiner asserted that Bonn's lever 21 passes through the "open portion" when switching between the closed and retracted positions, as claimed. The Examiner attached to the Office Action a copy of the first page of Bonn, on which she marked two lines that delimit what she is interpreting as being the "open portion".

The "open portion" of Bonn does not correspond to the "open portion" in the embodiments of the present invention described in the application. Referring for example to the embodiment of the present invention shown in Figure 4, the open portion K is defined between the end of the first ring portion 31 and the end of the second ring portion 32:



In contrast, the "open portion" designated by the lines marked on Figures 2 and 3 of Bonn is entirely different, and is not defined between the ends of the ring portions 2 and 8 or the ends of the ring portions 3 and 9:



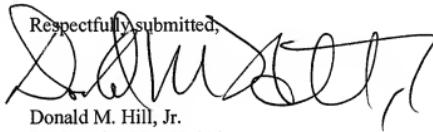
To clarify the completely different "open portion" in the claimed invention, Applicant has amended Claims 1 and 14 above. The amended claims recite that the open ring position is achieved when the ends of the ring members are spaced apart from each other so as to create an open portion between said ends. The first ring member and the second ring member move away from each other simultaneously to create said open portion above a central portion, with respect to the width direction, of the base portion, and the switching lever passes through the open portion to come to a retracted state.

Bonn does not disclose a document binder in which an open portion between the ends of two ring members is created above a central portion of the base portion, and in which the switching lever passes through the open portion to come to a retracted state.

Appl. No.: 10/599,641
Amdt. dated February 14, 2008
Reply to Office Action of November 14, 2007

Accordingly, it is submitted that independent Claims 1 and 14 are not anticipated by Bonn and are patentable over Bonn. Therefore, all pending claims are patentable over Bonn.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.


Respectfully submitted,
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